

H.R. 3287. An act to award congressional gold medals posthumously on behalf of Reverend Joseph A. DeLaine, Harry and Eliza Briggs, and Levi Pearson in recognition of their contributions to the Nation as pioneers in the effort to desegregate public schools that led directly to the landmark desegregation case of *Brown et al. v. the Board of Education of Topeka et al.*

H.R. 3348. An act to reauthorize the ban on undetectable firearms.

Under the authority of the order of the Senate of November 25, 2003, on December 2, 2003, the enrolled bills and joint resolution were signed by the Acting President pro tempore (Mr. FRIST).

#### MESSAGES FROM THE HOUSE

At 10:05 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agreed to the amendment of the Senate to the amendment of the House to the bill (S. 877) to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet.

The message also announced that the House agreed to the amendment of the Senate to the amendment of the House to the bill (S. 1680) to reauthorize the Defense Production Act of 1950, and for other purposes.

The message further announced that the House agreed to the amendment of the Senate to the bill (H.R. 100) to restate, clarify, and revise the Soldiers' and Sailors' Civil Relief Act of 1940.

The message also announced that the House agreed to the amendments of the Senate to the bill (H.R. 622) to provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona, and for other purposes.

The message further announced that the House agreed to the amendments of the Senate to the bill (H.R. 1006) to amend the Lacey Act Amendments of 1981 further the conservation of certain wildlife species.

The message also announced that the House agreed to the amendment of the Senate to the bill (H.R. 1012) to establish the Carter G. Woodson Home National Historic Site in the District of Columbia, and for other purposes.

The message further announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2673) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes.

The message also announced that pursuant to section 7(b)(1) of the Prison Rape Elimination Act of 2003 (Public Law 108-79), the Minority Leader appoints the following individuals on the part of the House of Representatives to the National Prison Rape Reduction Commission: Ms. Brenda V.

Smith of the District of Columbia and Ms. Jamie Fellner, Esq., of New York.

At 11:04 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 811. An act to support certain housing proposals in the fiscal year 2003 budget for the Federal Government, including the downpayment assistance initiative under the HOME Investment Partnership Act, and for other purposes.

S. 1683. An act to provide for a report on the parity of pay and benefits among Federal law enforcement officers and to establish an exchange program between Federal law enforcement employees and State and local law enforcement employees.

S. 1929. An act to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to extend the mental health benefits parity provisions for an additional year.

S. 1947. An act to prohibit the offer of credit by a financial institution to a financial institution examiner, and for other purposes.

The message also announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 3652. An act to amend the Internal Revenue Code of 1986 to modify the taxation of imported archery products.

H.J. Res. 82. Joint resolution making further continuing appropriations for the fiscal year 2004, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate.

H. Con. Res. 345. Concurrent resolution authorizing the printing as a House document of the transcripts of the proceedings of "The Changing Nature of the House Speakership: The Cannon Centenary Conference," sponsored by the Congressional Research Service on November 12, 2003.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 7. An act to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and business, and for other purposes; to the Committee on Finance.

H.R. 153. An act to restore the second amendment rights of all Americans; to the Committee on Energy and Natural Resources.

H.R. 253. An act to amend the National Flood Insurance Act of 1968 to reduce losses to properties for which repetitive flood insurance claim payments have been made; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 408. An act to provide for expansion of Sleeping Bear Dunes National Lakeshore; to the Committee on Energy and Natural Resources.

H.R. 1964. To assist the States of Connecticut, New Jersey, New York, and Pennsylvania in conserving priority lands and natural resources in the Highlands region, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2218. To amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical

devices, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2584. To provide for the conveyance to the Utrok Atoll local government of a decommissioned National Oceanic and Atmospheric Administration ship, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2898. An act to improve homeland security, public safety, and citizen activated emergency response capabilities through the use of enhanced 911 wireless services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2907. An act to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership; to the Committee on Energy and Natural Resources.

H.R. 3108. An act to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes; to the Committee on Finance.

H.R. 3181. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster mitigation program, and for other purposes; to the Committee on Environment and Public Works.

H.R. 3214. An act to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes; to the Committee on the Judiciary.

H.R. 3521. An act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; to the Committee on Finance.

H.R. 3652. An act to amend the Internal Revenue Code of 1986 to modify the taxation of imported archery products; to the Committee on Finance.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 206. Concurrent resolution supporting the National Marrow Donor Program and other bone marrow donor programs and encouraging Americans to learn about the importance of bone marrow donation; to the Committee on Health, Education, Labor, and Pensions.

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on December 3, 2003, she had presented to the President of the United States the following enrolled bill:

S. 459. An act to ensure that a public safety officer who suffers a fatal heart attack or stroke while on duty shall be presumed to have died in the line of duty for purposes of public safety officer survivor benefits.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Governmental Affairs:

Report to accompany S. 1522, a bill to provide new human capital flexibility with respect to the GAO, and for other purposes (Rept. No. 108-216).

Report to accompany S. 1612, a bill to establish a technology, equipment, and information transfer within the Department of Homeland Security (Rept. No. 108-217).

By Mr. INHOFE, from the Committee on Environment and Public Works, with amendments and an amendment to the title:

S. 156. A bill to amend the Atomic Energy Act of 1954 to reauthorize the Price-Anderson provisions (Rept. No. 108-218).

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1401. A bill to reauthorize the National Oceanic and Atmospheric Administration, and for other purposes (Rept. No. 108-219).

By Mr. GREGG, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 1879. A bill to amend the Public Health Service Act to revise and extend provisions relating to mammography quality standards (Rept. No. 108-220).

### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted on November 21, 2003:

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

Air Force nomination of Mary J. Quinn.

Air Force nominations beginning Christopher C. Erickson and ending Mark A. McClain, which nominations were received by the Senate and appeared in the Congressional Record on November 17, 2003.

Army nomination of Lance A. Betros.

Army nominations beginning Thomas B. Sweeney and ending Paul L. Zanglin, which nominations were received by the Senate and appeared in the Congressional Record on October 30, 2003.

Army nominations beginning John D. McGowan II and ending Kenneth E. Nettles, which nominations were received by the Senate and appeared in the Congressional Record on November 17, 2003.

Army nominations beginning Vernal G. Anderson and ending Donald J. Kerr, which nominations were received by the Senate and appeared in the Congressional Record on November 17, 2003.

Army nominations beginning Gaston P. Bathalon and ending Paula J. Rutan, which nominations were received by the Senate and appeared in the Congressional Record on November 17, 2003.

Army nomination of William B. Carr, Jr.

Army nominations beginning John E. Atwood and ending William E. Zoersch, which nominations were received by the Senate and appeared in the Congressional Record on November 17, 2003.

Army nominations beginning Cheryl Kyle and ending Terry C. Washam, which nominations were received by the Senate and appeared in the Congressional Record on November 17, 2003.

Army nomination beginning Michael A. Buley and ending Gary M. Zaucha, which nominations were received by the Senate and

appeared in the Congressional Record on November 17, 2003.

Army nomination of Gary R. McMeen.

Marine Corps nomination of Michael S. Nisley.

Marine Corps nominations beginning Leonard Halik III and ending Ernest R. Hines, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2003.

Marine Corps nomination of David B. Morey.

Navy nomination of Patrick J. Moran.

Navy nomination of Lawrence J. Chick.

Navy nomination of Robert E. Vincent II.

Navy nominations beginning Rodney A. Bolling and ending Jay S. Vignola, which nominations were received by the Senate and appeared in the Congressional Record on November 3, 2003.

By Mr. SHELBY for the Committee on Banking, Housing, and Urban Affairs.

\*Thomas J. Curry, of Massachusetts, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term of six years.

\*Alicia R. Castaneda, of the District of Columbia, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2004.

\*Alicia R. Castaneda, of the District of Columbia, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2011.

By Mr. GRASSLEY for the Committee on Finance.

\*Arnold I. Havens, of Virginia, to be General Counsel for the Department of the Treasury.

By Ms. COLLINS for the Committee on Governmental Affairs.

\*James M. Loy, of Virginia, to be Deputy Secretary of Homeland Security.

\*Scott J. Bloch, of Kansas, to be Special Counsel, Office of Special Counsel, for the term of five years.

By Mr. SPECTER for the Committee on Veterans' Affairs. Alan G. Lance, Sr., of Idaho, to be a Judge of the United States Court of Appeals for Veterans Claims for the term prescribed by law.

Lawrence B. Hagel, of Virginia, to be a Judge of the United States Court of Appeals for Veterans Claims for the term prescribed by law.

\*Cynthia R. Church, of Virginia, to be an Assistant Secretary of Veterans Affairs (Public and Intergovernmental Affairs).

\*Robert N. McFarland, of Texas, to be an Assistant Secretary of Veterans Affairs (Information and Technology).

\*Gordon H. Mansfield, of Virginia, to be Deputy Secretary of Veterans Affairs.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

### DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations and the nominations were confirmed:

David C. Mulford, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to India.

James C. Oberwetter, of Texas, to be Ambassador Extraordinary and Plenipotentiary

of the United States of America to the Kingdom of Saudi Arabia.

The Senate Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of the following nominations and the nominations were confirmed:

Joseph Max Cleland, of Georgia, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2007.

April H. Foley, of New York, to be First Vice President of the Export-Import Bank of the United States for the remainder of the term expiring January 20, 2005.

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRAHAM of Florida:

S. 1980. A bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes; to the Committee on Rules and Administration.

By Mr. SANTORUM:

S. 1981. A bill to amend the Constitution Heritage Act of 1988 to provide for the operation of the National Constitution Center; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself, Mr. HATCH, and Mr. DURBIN):

S. 1982. A bill to establish within the United States Marshalls Service a short term State witness protection program to provide assistance to State and local district attorneys to protect their witnesses in homicide and major violent crimes cases and to provide Federal grants for such protection; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mr. REED, Mrs. CLINTON, Mrs. FEINSTEIN, and Mr. DURBIN):

S. 1983. A bill to amend title 18 of the United States Code, to enhance the authority of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to enforce the compliance of gun dealers with Federal firearms laws, and for other purposes; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 1984. A bill to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 1985. A bill for relief of Benjamin Cabrera-Gomez and Lundy Patricia; to the Committee on the Judiciary.

By Mrs. CLINTON:

S. 1986. A bill to amend the help America Vote Act of 2002 to require voter verification and improved security for voting systems under title III of the Act, and for other purposes; to the Committee on Rules and Administration.

By Mr. LUGAR:

S. 1987. A bill to implement the obligations of the United States under the Protocol Additional to the Agreement between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America, known as "the Additional Protocol" signed by the United States on June 12, 1998; to the Committee on Foreign Relations.

By Mr. DASCHLE (for Mr. EDWARDS):

S. 1988. A bill to amend titles XVIII and XIX of the Social Security Act to establish